

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ADONIS JONES,

Plaintiff,

ORDER

v.

14-cv-642-wmc

WARDEN TIM HAINES, *et al.*,

Defendants.

In their motion for summary judgment, defendants requested a stay of discovery not related to the pending motion for partial summary judgment. (*See* dkt. #23 at 12-13.) As defendants are seeking summary judgment on some, but not all, of plaintiff's claims on failure to exhaust grounds, the court will not stay merits-based discovery of matters unrelated to defendant's exhaustion motion. However, the court does agree that a stay of merits-based discovery is appropriate as to the claims that are the subject of defendants' motion.

Accordingly, defendant's request for a stay is GRANTED IN PART AND DENIED IN PART. Merits-based discovery regarding the following seven allegations is stayed pending resolution of defendants' Motion for Partial Summary Judgment:

1. In October 2012 and March 2013, Defendant Martin used "aggressive grips" on Jones during escorts, "played" with his food trays and yanked on his clothing during pat-searches.
2. In March 2013, Martin called Jones a "stupid nigger" and told him he would "break [his] back."
3. In May 2013 Martin moved Jones near another inmate so that inmate could spit at Jones, and Defendant Esser was present.

4. In January 2014, Martin told Jones “I got a gun and I know how to shoot, we can’t fight in here I’ll lose my job.”
5. Jones’ family called Defendant Haines about Martin’s treatment, but Haines never acknowledged the requests and took no steps to intervene.
6. Defendant Hermanes falsely told Jones’ family that Jones had not been sexually assaulted.
7. Martin harassed Jones on July 28, 2013, by kicking his cell and yelling at Jones that he needed to take his medications.

All other discovery may proceed. In addition, if plaintiff believes he has grounds to seek discovery on one of the above allegations because they may be relevant to claims that are not the subject of the partial motion for summary judgment, plaintiff should consult with defendants’ counsel to see if proceeding with that discovery is acceptable, and if not, may file a motion for leave to proceed with respect to the desired discovery.

Entered this 2nd day of June, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge